



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,768	08/06/2003	Kazushige Ouchi	5225.0166-01	6852

22852 7590 05/06/2005

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

GODDARD, BRIAN D

ART UNIT	PAPER NUMBER
----------	--------------

2161

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	<p>Application No.</p> <p align="center">10/634,768</p>	<p>Applicant(s)</p> <p align="center">OUCHI ET AL.</p>	
	<p>Examiner</p> <p align="center">Brian Goddard</p>	<p>Art Unit</p> <p align="center">2161</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/667,784.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/6/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 05 February 2004. These drawings are acceptable.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 23-25 and 32-33 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9 of U.S. Patent No. 6,629,107 in view of U.S. Patent No. 5,894,306 to Ichimura.

All limitations of pending claims 23-25 and 32-33 are included in the set of limitations making up claim 9 of the '107 Patent, with the exception of "a microphone to input speech" and the information recognition unit configured "to identify a speaker from the speech." Ichimura discloses a multimedia information collection control apparatus

similar to claim 9 of the '107 Patent, and further comprising a microphone to input speech [15] and a recognition unit [24] configured to identify a speaker from the speech [See Column 7, lines 48-51], and to identify a speaker from the speech ['a speaker is recognized according to the extraction of features of the input audio signals' (Column 8, lines 13-20)] as claimed. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Ichimura's microphone and speaker recognition functionality to the apparatus of claim 9 of the '107 Patent to obtain the invention as recited in pending claims 23-25 and 32-33. One would have been motivated to do so in order to recognize and associate the text of words spoken by a particular speaker with the multimedia information associated with that speaker, as disclosed by Ichimura.

3. Claims 34-36 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-5 (respectively) of U.S. Patent No. 6,629,107 in view of U.S. Patent No. 5,894,306 to Ichimura and U.S. Patent Application Publication No. 2002/0085759 to Davies et al.

All limitations of pending claims 34-36 are included in the sets of limitations making up claims 3-5 of the '107 Patent respectively, with the exception of "a microphone to input speech" and the information recognition unit configured "to recognize characters in the image, to extract a person's name from the recognition result of the characters, and to identify a speaker from the speech."

Ichimura discloses a multimedia information collection control apparatus similar to the claims of the '107 Patent, and further comprising a microphone to input speech

[15] and a recognition unit [24] configured to identify a speaker from the speech [See Column 7, lines 48-51], and to identify a speaker from the speech [‘a speaker is recognized according to the extraction of features of the input audio signals’ (Column 8, lines 13-20)] as claimed. Davies also discloses a multimedia information collection control apparatus similar to the claims of the ‘107 Patent, and further comprising an information recognition unit configured to recognize characters in an image and to extract a person’s name from the recognition result [See paragraph 0014] as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Ichimura’s microphone and speaker recognition functionality and Davies character and person’s name recognition functionality to the apparatus of claims 3-5 of the ‘107 Patent to obtain the invention as recited in pending claims 34-36 respectively. One would have been motivated to do so in order to recognize and associate the text of words spoken by a particular speaker with the multimedia information associated with that speaker, as disclosed by Ichimura, and to register names of new users easily and without manual input, as disclosed by Davies.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2161

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 23-24 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,894,306 to Ichimura in view of U.S. Patent Application Publication No. 2002/0085759 to Davies et al. and U.S. Patent No. 6,363,380 to Dimitrova.

Referring to claim 23, Ichimura discloses a system and method for collecting and archiving multimedia information substantially as claimed. See Figures 1-12 and the corresponding portions of the specification for this disclosure. Ichimura discloses a multimedia information collection control apparatus, comprising:

a multimedia information collection unit [Electronic Meeting Device 10] configured to collect multimedia information ['image data', 'audio data' and 'user input from electronic pen 13'] from a plurality of kinds of input devices [Video Camera 16 (image), Microphone 15 (audio), and Touch Panel/Tablet 12 (pen input)];

a multimedia correspondence memory [First Memory Section 22] configured to correspondingly store the multimedia information including an image and a speech ['The

audio signal from microphone 15 and the image signal from video camera 16 are sequentially stored into the first memory section 22' (Column 8, line 62 et seq.);

an information recognition unit [State Detector 24] configured to recognize characters in the image [See Column 7, lines 48-51], and to identify a speaker from the speech ['a speaker is recognized according to the extraction of features of the input audio signals' (Column 8, lines 13-20) and 'the method used to identify a speaker...can involve identification based on the facial and mouth motions of the speakers determined from the image data' (Column 15, lines 5-20)]; and

a second memory section [23] configured to store relational pointers to the multimedia information [stored in the first memory section] in correspondence with the identified speaker by using the person's name ['the name of the recognized speaker is transferred to the second memory section 21 as a result of detection' (Column 8, lines 13-20) also see Figures 5-12 and the corresponding portions of the specification for the disclosure of the analysis].

Ichimura does not explicitly extract a person's name from the recognition result of the character's as claimed. However, it is clear that a name handwritten on the tablet (12) would be recognized by the character recognition unit just as any other handwritten text would be. Thus, one could easily infer that the person's name could be extracted from its character recognition. Further, Davies discloses a system and method similar to that of Ichimura, wherein a person's name is extracted from optical character recognition of an image (e.g. of a business card) to identify a person, and then data is

stored in correspondence with the person's name within a database. See paragraph 0014 for the details of this disclosure.

Neither Ichimura nor Davies explicitly discloses "a multimedia database" configured to relationally store the multimedia information in correspondence with the identified speaker as claimed. However, Ichimura's second memory section 23 does store this relationship as described above and shown in Figure 12. Dimitrova discloses a system and method for gathering multimedia data and storing it with meaningful relationships between the different types of data very similar to that of Ichimura. See Figures 1-6B and the corresponding portions of the specification for this disclosure. Dimitrova's event relationships are stored as 'video stories' in a video story database (multimedia database). Refer specifically to column 6, line 60 – column 7, line 55 and column 10, line 20 – column 13, line 17 for the details of this disclosure. Thus, Dimitrova teaches a multimedia database configured to relationally store the multimedia information as story data analyzed by the system.

Given the desire for increased memory space to store multimedia data for meetings that last an extensive amount of time, the desire for access to a larger archive of multimedia data for many meetings, and the equivalent functionality of the systems, it would have been obvious to one of ordinary skill in the art at the time the invention was made to swap Ichimura's Second Memory Section 23 with a multimedia database, such as that of Dimitrova, to store the multimedia information (image data, audio data, and handwritten user input data) relationally in correspondence with the person's name analyzed by Ichimura's state detector 24. Further, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to incorporate Davies' functionality of extracting of a person's name by optical character recognition into the system and method of Ichimura v. Dimitrova to obtain the invention as claimed. One would have been motivated to do so in order to identify and store information corresponding to a new user of the system without necessity of manual input, as described by Davies.

Referring to claim 24, Ichimura v. Davies and Dimitrova teaches the multimedia information collection control apparatus of claim 23, as above, wherein the plurality of kinds of input devices include a camera to input the image [Ichimura: 16], and a microphone to input the speech [Ichimura: 15] as claimed.

Referring to claim 37, Ichimura v. Davies and Dimitrova teaches the apparatus of claim 23, as above, wherein said multimedia database correspondingly stores [See claim 23 above] a record identification [Ichimura: Participant ID – user input ID] of each item of the multimedia information as claimed.

Referring to claim 38, Ichimura v. Davies and Dimitrova teaches the apparatus of claim 37, as above, wherein said multimedia information collection unit [Ichimura: See Figs. 1-2] includes an information addition unit [Ichimura: 10] configured to additionally input information to said multimedia database [See claim 23 above]; and wherein said multimedia database additionally stores the input information [See claim 23 above]... as claimed.

Referring to claim 39, Ichimura v. Davies and Dimitrova teaches the apparatus of claim 37, as above, further comprising a dialogue control unit [Ichimura: Playback

Specifying Section 27 (column 12, line 57 – column 14, line 42)] configured to input a retrieval request from a user [(See column 13, lines 8-20)], to analyze the retrieval request [(See column 13, lines 26-37)], and to generate a retrieval key ['the X-Y coordinates groups' (Again, see column 13, lines 26-37)] according to the analysis result as claimed.

Referring to claim 40, Ichimura v. Davies and Dimitrova teaches the apparatus of claim 39, as above, further comprising a retrieval control unit [Ichimura: Control Section 30 in conjunction with Playback Specifying Section 27] configured to retrieve the multimedia database by comparing the retrieval key with the record identification of each item of the multimedia information [(See column 13, lines 30-48)]; and wherein said multimedia information collection unit [Electronic Meeting Device 10] presents the retrieved information through the display [playback of image data (See Figure 2)] as claimed.

Claims 41 and 42 are rejected on the same basis as claim 23. See the discussion regarding claim 23 above for the details of this disclosure.

6. Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichimura in view of Davies and Dimitrova as applied to claims 23-24 above, and further in view of U.S. Patent No. 5,761,340 to Suzuki.

Referring to claim 25, Ichimura v. Davies and Dimitrova as applied to claim 23 above teaches the apparatus of claim 24, as above, wherein said multimedia information collection unit [Ichimura: Electronic Meeting Device 10] includes a display

[Screen 11] to output the image [(See column 7, lines 13-20)], and an indicator [Electronic Pen 13 in conjunction with Touch Panel/Tablet 12] to artificially indicate marks, figures, or handwritten text [(See column 7, lines 43-60)] on the display.

Ichimura does not explicitly disclose that a purpose of the electronic pen indicator is to “artificially specify a recognition area of the image” as claimed. However, Ichimura does disclose that the pen could be used for “editing data indicating moving/copying/cutting of displayed user-input data.” (Column 7, lines 55-56) Ichimura also teaches that the system can enclose certain image data in a clipping window (CLW) as shown in Figure 8. These two disclosures provide direct suggestion for using the electronic pen indicator to indicate a mark representing a desired area of the displayed image to which some sort of operation should be performed.

Suzuki discloses a pen type input device very similar to Ichimura’s Electronic Pen 13 and Touch Panel/Tablet 12. See Figures 1-9 and the corresponding portions of the specification for this disclosure. Suzuki’s system performs character recognition, other types of image recognition, and editing operations on image data enclosed within a target area specified as a mark on the input/display device 13. Refer specifically to Figures 1, 3A-3D, 5, 7A-7D & 9 and the corresponding portions of the specification (Particularly column 5, lines 29-33) for the details of this disclosure. Thus, Suzuki teaches artificially indicating a mark representing a recognition area as a user’s desired area of the image as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Suzuki’s functionality of indicating a mark

representing a recognition area (or editing area) as a user's desired area of the image into Ichimura's (as modified by Davies and Dimitrova) electronic meeting device, such that a user could mark a specific area of a displayed image for recognition. One would have been motivated to do so because of the suggestion provided by Ichimura above, considering that the primary operations of Ichimura's system are recognition.

Referring to claim 26, Ichimura v. Davies, Dimitrova and Suzuki teaches the apparatus of claim 25, as above, wherein said display presents an attribute selection window [Suzuki: See Figs. 7-11; Davies: See Figs. 4-5] including a plurality of attribute items [Suzuki: edit commands; Davies: 'stickers']; and wherein said information recognition unit prepares a plurality of knowledge dictionaries [Davies: services (See 414 & 516-518)] each corresponding to each of the plurality of attribute items [Davies: a specific service is associated with each 'sticker' (attribute)] as claimed.

Referring to claim 27, Ichimura v. Davies, Dimitrova and Suzuki teaches the apparatus of claim 26, as above, wherein said indicator artificially selects one attribute [Suzuki: based on the mark] corresponding to the characters in the image [Davies: sticker (See 414 & 516-518)]...as claimed.

Referring to claims 28 and 29, Ichimura v. Davies, Dimitrova and Suzuki teaches the apparatus of claim 27, as above, wherein said information recognition unit recognizes the characters in the image by using one of the plurality of knowledge dictionaries [See Davies' place in combination as in claims 23 & 26-27 above] corresponding to the one attribute item [See above]; wherein if the one attribute item is a card [Davies: business card (See paragraph 0014)], said multimedia database stores

the recognition result of the characters of the card as the speaker's personal data [See claim 23 above] as claimed.

Referring to claim 30, Ichimura v. Davies, Dimitrova and Suzuki teaches the apparatus of claim 29, as above, wherein said information recognition unit [Ichimura: state detector 24] includes a speech recognition unit [Speaker Recognition from audio data (See Figures 5 & 6 and the corresponding portions of the specification)] configured to recognize the speech in the multimedia information; and wherein said multimedia database [See claim 23 above] stores the recognition result of the speech [Ichimura: See Figure 12 & claim 23 above]... as claimed.

Referring to claim 31, Ichimura v. Davies, Dimitrova and Suzuki teaches the apparatus of claim 29, as above, wherein said information recognition unit [Ichimura: state detector 24] includes a face recognition unit [Speaker Recognition from image data (See Column 15, lines 5-20)] configured to recognize a facial characteristic of a face area in the image; and wherein said multimedia database [See claim 23 above] stores the recognition result of the facial characteristic [Ichimura: See Figure 12 & claim 23 above]... as claimed.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. Specifically, the Patent references made of record but not relied upon are considered pertinent to portions of applicants' claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 571-272-4020. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
28 April 2005


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100